

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL C. ALBERTY, JACQUELINE)	
ALBERTY, JOHN M. ALBERTY, a)	
minor child, ANASTASIA M. ALBERTY,)	
a minor child, and GABRIELLE M.)	
ALBERTY, a minor child,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 05-1319
)	Judge Joy Flowers Conti
NATIONWIDE MUTUAL)	Magistrate Judge Lisa Pupo Lenihan
INSURANCE COMPANY,)	
)	
Defendant.)	

Plaintiff's Complaint was received by the Clerk of Court and was subsequently referred to United States Magistrate Judge Lisa Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates

The Magistrate Judge's Report and Recommendation filed on July 7, 2006, recommended that Defendant's Motion for Partial Dismissal of Plaintiff's Amended Complaint be denied in part and granted in part. Service was made on all counsel of record. No objections to the Report and Recommendation were filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 8th day of September, 2006:

IT IS HEREBY ORDERED that Defendant's Motion for Partial Dismissal is DENIED in part and GRANTED in part as more fully set forth in the Report and Recommendation.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lenihan, dated July 7, 2006, is adopted as the Opinion of the Court, except that the reference to "Plaintiffs' Motion for Partial Dismissal of Plaintiffs' Amended Complaint" shall be corrected to read "Defendant's Motion for Partial Dismissal of Plaintiffs' Amended Complaint."

/s/ Joy Flowers Conti

Hon. Joy Flowers Conti
United States District Judge

Dated: September 8, 2006

cc: All Counsel of Record